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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,001	01/17/2001	John Wilhelm Geus	VER-110AX	3521
207	7590	06/18/2004	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LBOVICI LLP			LANGEL, WAYNE A	
TEN POST OFFICE SQUARE			ART UNIT	
BOSTON, MA 02109			PAPER NUMBER	

1754

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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24

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 5-23-03 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1, 15-17, 19-25, 28 and 29 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☒ Claims 1, 15-17, 19, 19/1, 19/17, 20/1, 20/17, 28 and 29 are allowed.
4. ☒ Claims 19/18, 20/18 and 21-25 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Claims 19/18, 20/18 and 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 19/18 and 20/18 are indefinite in that they depend from claim 18, which has been cancelled. Claims 21-25 are indefinite in that it is not clear as to whether the catalyst which is produced would be required to have the properties of the catalyst as recited in claim 1 (i.e., whether the product would necessarily include a catalytically active material comprising a mixed oxide having atomically mixed iron ions and zinc ions in an oxidic lattice, the catalyst having a specific surface area of more than 20 m<sup>2</sup>/g and exhibiting substantially no Claus activity under the reaction conditions of a selective oxidation of sulfur-containing compounds to elemental compounds), since the recitation in claim 21 of "a method for the preparation of a catalyst according to claim 1" is in the preamble of the claim, and there are no positive recitations in the claim requiring that the catalyst product would have the aforementioned properties.

Claims 1, 15-17, 19/1, 19/17, 20/1, 20/17, 28 and 29 are allowed.

Any inquiry concerning this communication should be directed to Wayne Langel at telephone number 571-272-1353.



Wayne Langel  
Primary Examiner  
Art Unit 1754